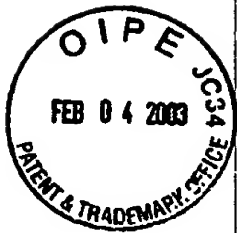


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Navy Case No. 82,627

**TC 1700**

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Louis F. Aprigliano et al. :  
Serial No. 09/656,017 : Group Art Unit: 1722  
Filed: Sept. 7, 2000 : Examiner: K. Lin  
For: METHOD OF PRODUCING CORROSION : CONFIRMATION NO. 2288  
RESISTANT METAL ALLOYS WITH :  
IMPROVED STRENGTH AND DUCTILITY :

REPLY BRIEF

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Reply Brief is submitted in response to the Examiner's Answer dated Jan. 14, 2003, in order to provide the Board of Patent Appeals and Interferences evidentiary material for consideration in regard to items; (6) Issues and (10) Ground of Rejection, as set forth in the Examiner's Answer.

(6) Issues

Appellants' statement of the issues are based on the record in this case evident from (a) the Examiner's Advisory Action dated Sept. 2, 2002, indicating entry of the Amendment Under Rule 116 filed Sept. 12, 2002, and (b) the Examiner's Office Communication dated Nov. 5, 2002, denying applicants' Request To Reopen Prosecution, submitted Oct. 17, 2002. According to the foregoing referred to Examiner's Advisory Action and Office Communication, the only stated basis for refusing to reopen prosecution despite entry of the Rule 116 amendment, is that the Coombs patent of record (to the exclusion of the Nakamori, Jenkins and Shaw patents) discloses use of a technique involving spraying of nitrogen gas onto a ductile alloy. Based solely on

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hindsight speculation derived from such reference to the disclosure in the Coombs patent the Examiner concludes that yield strength for the ductile alloys as disclosed in the Nakamori or Shaw patent would be increased to a certain extent or degree as specified in claims 5, 6 and 9 under appeal.

(10) Grounds of Rejection

Since the Examiner concedes that the Nakamori et al. patent fails to show a gas type spraying technique, the Coombs and Jenkins et al. patents of record are relied on in regard thereto by referring to certain portions of the specification in the Coombs and Jenkins et al. patents. However, such referred to portions of the prior art patent specifications utterly fail to indicate or mention: "increase in strength the ductile alloy from a yield strength of less than 145 ksi" as specified in claims 5 and 9. Accordingly, claims 5, 6 and 9 patentably distinguish over all of the prior art references since none of them even refers to an increase in yield strength of the ductile alloy to some specified extent or degree.

Conclusion

In view of the foregoing, it should be apparent, as already pointed out in the Appeal Brief, that the prior art relied for final rejections fails to expressly teach or suggest obviousness with respect to selection of an inert cover gas which will effect an increase in yield strength of a

ductile alloy of less than 145 ksi within the environment as set forth in claims 5, 6 and 9 under appeal. Under such circumstances, it is believed that a reversal of the final rejections of claims 5, 6 and 9 is in order.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jacob Shuster".

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